

REGULAR MEETING - CITY COUNCIL - CITY OF NEWTON

APRIL 6, 2004

The City Council of the City of Newton held a regular meeting at 7:00 PM on Tuesday, April 6, 2004 at City Hall with the following present: Mayor Robert Mullinax, Council Members Wayne Dellinger, Al Gaither, Tom Dixon, Tom Rowe, Anne Stedman, Roy Johnson, City Manager Edward Burchins, City Attorney Larry Pitts, Assistant City Manager Glenn Pattishall and City Clerk Rita Williams.

ITEM 1 - CALL TO ORDER.

Mayor Mullinax called the meeting to order and welcomed citizens in the audience.

ITEM 2 - OPENING.

Assistant City Manager Pattishall gave the invocations and led the Pledge of Allegiance.

PRESENTATION OF PLAQUE OF APPRECIATION TO AL MAINESS FOR 27 YEARS OF NEWS COVERAGE TO THE CITY.

Mayor Mullinax presented WNNC news reporter Al Mainess a plaque of appreciation for his dedicated and professional news coverage to the City for the past 27 years. Mr. Mainess retired from his position on March 31, 2004.

RECOGNITION OF TIM HUFFMAN FOR RECEIVING THE GOLDEN WEB AWARD PRESENTED BY THE INTERNATIONAL ASSOCIATION OF WEBMASTERS AND DESIGNERS FOR HIS WORK AS WEBMASTER FOR THE CITY OF NEWTON.

City Manager Burchins recognized Tim Huffman for receiving the Golden Web Award for his work as the City's Webmaster. He said the award was established to recognize excellence in web sites based on the design, creativity and prestige. He congratulated Mr. Huffman on this achievement.

PROCLAMATION PROCLAIMING THE MONTH OF APRIL AS CHILD ABUSE PREVENTION MONTH.

Mayor Mullinax read a proclamation designating the month of April as Child Abuse Prevention Month in the City of Newton.

ITEM 3 - APPROVAL OF MINUTES OF THE MARCH 17, 2004 REGULAR MEETING AND MARCH 17, 2004 JOINT MEETING WITH THE CATAWBA COUNTY COMMISSIONERS.

A motion was made by Council Member Gaither, seconded by Mayor Pro Tem Rowe, and unanimously adopted that the minutes of the March 17, 2004 regular meeting and March 17, 2004 joint meeting with the Catawba County Commissioners be approved as submitted.

ITEM 4 - CONSIDERATION OF APPROVAL OF CONSENT AGENDA ITEMS.

A motion was made by Council Member Johnson, seconded by Council Member Stedman, and unanimously adopted to approve the following items on the Consent Agenda:

A. Sewer charge adjustments.

Vickie Yount	\$ 7.09
Rockie Saine	\$18.29

B. Consideration of Resolution declaring equipment as surplus.

RESOLUTION AUTHORIZING THE SALE OF CERTAIN PERSONAL PROPERTY AT PUBLIC AUCTION

WHEREAS, the City Council of the City of Newton desires to dispose of certain surplus property of the city:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEWTON, NORTH CAROLINA, THAT:

- ! The described property (as shown on file in the City Clerk's office) is hereby declared to be surplus to the needs of the city:
- ! The City Manager or his designated official is authorized to conduct on behalf of the City Council a Surplus Auction Sale for the sale of the described property.
- ! Said auction will be held at 9:00am Saturday, May 1st, 2004, with a date of Saturday, May 8th, 2004, designated as Rain Date. Terms to be cash for all sale items.
- ! The City Purchasing Agent shall cause a notice of sale to be published in accordance with General Statute § 170-270(b).
- ! The Purchasing Agent, if it complies with the terms of the sale, may accept the highest bid, as the Council's designated official, and the sale consummated.
- ! The City of Newton reserves the right to reject any and all bids and to award said bid in the best interest of the city.

Adopted this 6th day of April 2004

Robert A. Mullinax, Mayor

Attest:

Rita K. Williams, City Clerk

ITEM 5 - PUBLIC HEARINGS:

A. Consideration of Special Use Permit #2004-1 - City of Newton cemetery.

Mayor Mullinax recessed the Council meeting and called to order a public hearing, as previously scheduled and advertised, to consider the request for a Special Use Permit filed by the City of Newton for construction of a new cemetery.

Planner Alex Fulbright reviewed the requirements for a quasi-judicial process the Council must follow for considering Special Use Permits. He stated that all persons wanting to make a statement, either for or against the Special Use Permit, must be sworn. Mr. Pat Cloninger, Trey Wingate, Barbara McGee, Glenn Pattishall and Alex Fulbright were sworn.

Mr. Fulbright asked if there were any objections to the exhibits offered by the staff being admitted into the record and there were none. Mayor Mullinax then stated that the exhibits as submitted were admitted into the record.

Mr. Fulbright reported that the City was seeking a Special Use Permit to construct a cemetery located on 9.27 acres on the westside of US 321 Business between East P Street and Cardinal Drive. He said a Special Use that would not be appropriate generally without special study throughout the zoning districts, but which if controlled by the number, size, location or relationship to the

neighborhood, would promote the public health, safety and welfare. He reviewed the information contained in the request for the Special Use Permits and stated the following are some issues that the staff at the N. C. Cemetery Commission recommended be addressed concerning cemetery development.

Setbacks - This ranges from community to community from zero feet to five hundred feet and relates to the safety component of Health, Safety, and Welfare. The setback creates a buffer between the graves and the adjoining properties and prevents the risk of cave-ins and instability that may affect adjoining properties during grave openings and closings.

Burial Standards - Currently the North Carolina Cemetery Commission does not require that human remains be interred in a casket or that a grave have a vault liner. However, out of concern that the surrounding ground may settle and sink in, the Cemetery Commission recommends that grave liners and caskets be used.

Screening - Because of the nature of the services that take place within cemeteries, screening should be considered not only for the internal effect of privacy but also blocking the view from adjoining properties.

Mr. Fulbright stated that at the February 24, 2004 Planning Commission meeting, the Planning Commission made the recommendation that approval be granted with the following conditions:

- The perimeter of the cemetery be surrounded by a 10 foot screening to be installed or maintained as described in Section 26-7.12 of the Newton Zoning Ordinance.
- That grave liners or burial vaults be used when an interment takes place.
- That the applicant obtains a driveway permit from NCDOT for the drive onto Southwest Blvd.
- That the applicant use best management practices for the storage and disposal of excess soil as related to the interment of individuals to prevent soil from leaving the site.
- That storm water run-off be managed to limit the impact to Southside Park

Council Member Rowe asked about the screening to be used.

Mr. Pattishall stated that the City has not chosen the type of screening to be used and will wait until the grading is complete but that the City will make sure that the cemetery will be screened totally from the residential areas. He said there is potential space for approximately 5,000 graves and the cemetery will have space for columbariums, mausoleums, and there could possibly be areas designated for infants and military graves. He said the Cemetery Committee is working on determining where flags, statues and fountains may be placed. Plans are also to include historic lighting in the cemetery but that it would not be high enough to shine in resident's windows but would be located behind the screening.

Mayor Mullinax asked if any of the people in the audience who were sworn wanted to speak.

Mr. Pat Cloninger stated that when neighbors first heard about the planned cemetery adjacent to their homes that neighbors suggested a fence. He said he did not think a too dense screen should be placed because of safety issues. He said he was against planting Leland Cypress trees as he thought there were too many of them planted in areas now. He asked questions regarding the topography of the cemetery and drainage plans.

Mr. Trey Wingate, Engineer with W. K. Dickson, reported on the topography of the land and how the cemetery would be laid out accordingly and that drainage matters would adhere to NC Department of Environmental and Natural Resources guidelines.

Mr. Pattishall stated that before any screening is placed that the City will talk with adjoining property owners.

Mrs. Barbara McGee stated that she wanted a dense screen behind her home and that she liked the woods that had been there before the grading. She said she wanted a total separation between her property and the cemetery for her privacy and out of respect for funerals being conducted in the cemetery.

Mr. Cloninger asked Mr. Wingate how the spring located on the cemetery property would be handled and Mr. Wingate said that it would be capped.

Mr. Pattishall reviewed the following findings for the Council's consideration:

Section 26-11.2 General Standards of the City of Newton Zoning Ordinance states that four general standards must be met by all applicants for approval of special uses:

1. The use will promote the public, health, safety and welfare if located where proposed and developed and operated according to the application.

Proposed finding: There is evidence by the minutes of the March 20, 2002 Newton Board of Aldermen meeting which indicated that it is the City's policy and intent to develop a cemetery for the benefit of the citizens of Newton. The City made a conscious decision to continue to provide cemetery services and that lots would be sold at a rate that would make the cemetery services self-supporting and be affordable to the citizens of Newton. In the interest of general welfare, it is believed this statement supports that conclusion. With regard to safety and welfare, the cemetery will be located with access off of US Hwy 321 Business, which is a major arterial in the City of Newton. The traffic volumes at this location are less than 10,000 vehicles a day. The Plan includes a taper and turn lane at the driveway entrance to the new cemetery and will be done in accordance with NCDOT standards. Appropriate signing and pavement markings will also be installed at the direction of NCDOT, and thus it is anticipated that the safety issues have been addressed in this statement.

With regard to public health, the City cemetery will be operating in compliance with all standards applicable for burial by the NC Cemetery Association. Vaults will be required and the rules and regulations for the conduct of the cemetery in terms of interment or placement of remains will be as such that the public health will be preserved in accordance with the established City policy as evidenced in various sections of the City Code.

2. The use which is listed as a Special Use in the district in which it is proposed to be located, complies with all regulations and standards, including the provisions of Articles 5, 6 and 7 of the Zoning Ordinance unless greater or different regulations are contained in the individual standards for that Special Use.

Proposed Finding: The review of Article 11 Special Use of the Newton City Code did not indicate there were any greater or different regulations as contained in individual standards for this particular use. With regard to Articles 5, 6 and 7, the subject property is located in an R-20 zoning district. Front side and rear yard setbacks are 40', 10' and 40', respectively. It is the City's intent to comply with these minimum setback requirements. The site plan reflects such. There will be no structures greater than that as prescribed in the Zoning Ordinance of 35 feet for

the R-20 district. Therefore, it is submitted that these findings can be made to support to General Standard #2. Applicable buffers and screening is agreeable to the City so as to comply with the appropriate requirements necessary for separation between the cemetery and the adjoining residential and other uses.

3. The use will maintain or enhance the value of contiguous property or that the use is a public necessity.

Proposed finding: It is the applicant's position that the use will at a minimum, maintain the value of contiguous property and further, the applicant would point to the minutes of the March 20, 2002 meeting of the Newton Board of Aldermen wherein it was determined as a matter of public policy and necessity that the cemetery be constructed.

4. The use is in compliance with the General Plans for the physical development of the City as embodied in these regulations.

Proposed finding: A review of the City's Land Development Plan indicated that the area should be developed residentially. The subject property is located in a residential zoning district and is listed as a Special Use Permit in that district. The applicant submits that the inclusion of this as a Special Use Permit is an indication that the use is an allowable use; however, allowable under certain circumstances and provided that a process is followed to establish the circumstances under which it would be allowed. Further, the applicant would point to the minutes of the March 20, 2002 Board of Aldermen meeting wherein the City Board of Aldermen determined that plans for construction of the cemetery at this location should proceed, thus it is submitted by the applicant that the general plans for physical development of the City would be met by this proposal and further the above statements and attachments indicate this cemetery will be in compliance with all of the regulations of the City's Zoning Ordinance.

Mayor Mullinax closed the public hearing and called the Council meeting back into session.

A motion was made by Council Member Johnson, seconded by Council Member Rowe, and unanimously adopted to approve Finding #1.

A motion was made by Council Member Johnson, seconded by Council Member Stedman, and unanimously adopted to approve Finding #2.

A motion was made by Council Member Gaither, seconded by Council Member Johnson, and unanimously adopted to approve Finding #3.

A motion was made by Council Member Johnson, seconded by Council Member Rowe, and unanimously adopted to approve Finding #4.

After determining that all findings of fact had been made, a motion was made by Council Member Johnson, seconded by Council Member Gaither, and unanimously adopted to approve Special Use Permit Application #2004-01 for the City to construct and maintain a cemetery located on the west side of US 321 Business between East P Street and Cardinal Drive.

CITY OF NEWTON
STATE OF NORTH CAROLINA
ORDER GRANTING A SPECIAL USE PERMIT

The Newton City Council, has held a public hearing on April 6, 2004 to consider Application Number 2004-01 as submitted by the City of Newton, a request for a SPECIAL USE PERMIT to use the property located on the Westside of US 321 Business between the intersections of East P Street and Cardinal Drive also known as Catawba County Pin number 3639-12-85-9192 in accordance with Section 26.5.12 of the

Newton Zoning Ordinance, and having heard all of the evidence and arguments presented at the hearing, makes the following FINDINGS OF FACT and draws the following conclusions:

1. There is evidence by the minutes of the March 20, 2002 Newton Board of Aldermen meeting which indicated that it is the City's policy and intent to develop a cemetery for the benefit of the citizens of Newton. The City made a conscious decision to continue to provide cemetery services and that lots would be sold at a rate that would make the cemetery services self-supporting and be affordable to the citizens of Newton. In the interest of general welfare, it is believed this statement supports that conclusion. With regard to safety and welfare, the cemetery will be located with access off of US Hwy 321 Business, which is a major arterial in the City of Newton. The traffic volumes at this location are less than 10,000 vehicles a day. The Plan includes a turn lane at the driveway entrance to the new cemetery and will be done in accordance with NCDOT standards. Appropriate signing and pavement markings will also be installed at the direction of NCDOT, and thus it is anticipated that the safety issues have been addressed in this statement. With regard to public health, the City cemetery will be operating in compliance with all standards applicable for burial by the NC Cemetery Association. Vaults will be required and the rules and regulations for the conduct of the cemetery in terms of interment or placement of remains will be as such that the public health will be preserved in accordance with the established City policy as evidenced in various sections of the City Code.

2. The review of Article 11 Special Use of the Newton City Code did not indicate there were any greater or different regulations as contained in individual standards for this particular use. With regard to Articles 5, 6 and 7, the subject property is located in an R-20 zoning district. Front side and rear yard setbacks for structures are 40', 10' and 40', respectively. It is the City's intent to comply with these minimum setback requirements. The site plan reflects such. There will be no structures greater in height than that as prescribed in the Zoning Ordinance of 35 feet for the R-20 district. Therefore, it is submitted that these findings can be made to support to General Standard #2. Applicable buffers and screening is agreeable to the City so as to comply with the appropriate requirements necessary for separation between the cemetery and the adjoining residential and other uses.

3. It is the applicant's position that the use will at a minimum; maintain the value of contiguous property and further, the applicant would point to the minutes of the March 20, 2002 meeting of the Newton Board of Aldermen wherein it was determined as a matter of public policy and necessity that the cemetery be constructed.

4. A review of the City's Land Development Plan indicated that the area should be developed residentially. The subject property is located in a residential zoning district and is listed as a Special Use Permit in that district. The applicant submits that the inclusion of this as a Special Use Permit is an indication that the use is an allowable use; however, allowable under certain circumstances and provided that a process is followed to establish the circumstances under which it would be allowed. Further, the applicant would point to the minutes of the March 20, 2002 Board of Aldermen meeting wherein the City Board of Aldermen determined that plans for construction of the cemetery at this location should proceed, thus it is submitted by the applicant that the general plans for physical development of the City would be met by this proposal and further the above statements and attachments indicate this cemetery will be in compliance with all of the regulations of the City's Zoning Ordinance.

THEREFORE, based upon all of the foregoing, IT IS ORDERED that the Application for a Special Use Permit be granted subject to the following conditions:

1. The perimeter of the cemetery be surrounded by a 10 foot screening to be installed or maintained as described in Section 26-7.12 of the Newton Zoning Ordinance.
2. That grave liner or burial vault be used when an interment takes place.
3. That the applicant obtains a driveway permit from NCDOT for the drive onto Southwest Blvd.
4. That the applicant use best management practices for the storage and disposal of excess soil as related to the interment of individuals to prevent soil from leaving the site.
5. That storm water run-off be managed to limit the impact to Southside Park.

Ordered this the 6th day of April, 2004.

Robert A. Mullinax, Mayor

ATTEST:

Rita K. Williams, City Clerk

B. Consideration of Special Use Permit #2003-01 - City of Newton landfill.

Mayor Mullinax recessed the Council meeting and called to order a public hearing, as previously scheduled and advertised, to consider the request for a Special Use Permit filed by the City of Newton to construct and maintain a construction and demolition landfill.

Assistant City Manager Pattishall asked if there were any objections to the exhibits offered by the staff being admitted into the record and there were none. Mayor Mullinax then stated that the exhibits as submitted were admitted into the record.

Mr. Pattishall stated that all persons wanting to make a statement, either for or against the Special Use Permit, must be sworn. Mr. Trey Wingate, Mr. Pattishall and Alex Fulbright were sworn.

Mr. Pattishall stated the City was seeking a Special Use Permit to establish and operate a Construction and Demolition Debris Landfill in accordance with standards, established by the North Carolina Department of Environmental and Natural Resources. The landfill would be located at 1171 Boston Road and would accept only Construction and Demolition Debris generated by the City of Newton and contractors doing work on behalf of the City. The biggest part of the debris would be concrete and asphalt from street and sidewalk maintenance. There will not be any sanitary garbage deposited.

Mr. Pattishall stated that a special use is a use that would not be appropriate generally without special study throughout the zoning district, but which if controlled by the number, size, location or relationship to the neighborhood, would promote the public health, safety, and welfare. He said the City Lake Reservoir, the Police Department's Shooting Range, and the yard waste facility are located on the 180 acre site. The land would comply with the North Carolina Department of Environment and Natural Resource's regulation regarding such facilities. The City had previously used a portion of the site for Construction and Demolition Debris landfill, however the state permit expired and operation ceased.

Mr. Pattishall stated the landfill would be located on 23 acres of the 180 acres, on the east side of the Boston Road entrance. The landfill extent is at least 100 feet from all adjoining property owners and would be located outside of the drainage area for the City Lake. The site would be developed incrementally as additional space is warranted, not all at once. The size of the site would have the

ability to serve the City's needs for many years to come.

The facility would not generate a large amount of traffic. When the facility was in operation under the previous permit, the landfill generated about one load a day on average, the facility may go days without usage then again it may get five to seven loads a day depending on the work the city is involved in.

Mr. Pattishall stated that the Planning Commission recommended that the permit be granted approval of the Special Use Permit with the following conditions:

1. That the facility meets the regulations of the North Carolina Department of Environmental and Natural Resources Division of Waste Managements.
2. That the applicant paves the remaining gravel portion of Boston Road from the existing pavement to the gate leading into the City Lake property.

Mayor Mullinax asked if anyone who was sworn wanted to speak and no one requested to speak.

Mr. Pattishall reviewed the following findings for the Council's consideration:

1. The proposed Construction and Demolition Debris Landfill will promote the public health, safety and general welfare, if located where proposed and developed and operated according to the application. To support this conclusion, the Board determined that there is no evidence or testimony that this would not comply with this particular finding and the evidence and testimony presented would support this finding.
2. The proposed Construction and Demolition Debris Landfill is a use which is listed as a special use in the district in which it is proposed to be located, will comply with all required regulations and standards, including the provisions of article V, VI and VII of the Zoning Ordinance. To support this conclusion, the Board determined that there was no evidence or testimony that this would not comply with the findings and the evidence and testimony presented would support these findings.
3. The proposed Construction and Demolition Debris Landfill will maintain or enhance the value of contiguous property and that there is a need for a Construction and Demolition Debris Landfill in the community. To support this conclusion, the Board determined that there were no comments or evidence that there would be detrimental impacts due to the use or that the use would devalue property, and there was no evidence or testimony that it will not enhance or maintain the value.
4. The proposed Construction and Demolition Debris Landfill is in compliance with the general plans for the physical development of the City as specified in the regulations. To support this conclusion, the Board determined that the Planning Commission made no findings or statements that this use would be contrary to the plan and with that factor in mind, the evidence and testimony presented would support these findings. The Planning Commission recommended unanimously that the special use permit be granted for the proposed Construction and Demolition Debris Landfill.

A motion was made by Council Member Gaither, seconded by Council Member Rowe and unanimously adopted to approve Finding # 1.

A motion was made by Council Member Johnson, seconded by Council Member Dixon, and unanimously adopted to approve Finding #2.

A motion was made by Council Member Dixon, seconded by Council Member Johnson,

and unanimously adopted to approve Finding #3.

A motion was made by Council Member Johnson, seconded by Council Member Rowe, and unanimously adopted to approve Finding #4.

After determining that all findings of fact had been made, a motion was made by Council Member Johnson, seconded by Council Member Dixon, and unanimously adopted to approve Special Use Permit Application #2003-01 to construct and maintain a construction and demolition landfill with the conditions as recommended by the Newton Planning Commission.

CITY OF NEWTON
STATE OF NORTH CAROLINA
ORDER GRANTING A SPECIAL USE PERMIT

The Newton City Council, has held a public hearing on April 6, 2004 to consider Application Number 2003-01 as submitted by the City of Newton, a request for a SPECIAL USE PERMIT to use the property located at 1171 Boston Road, also known as Catawba County PIN 3730-17-00-9271 in accordance with Section 26.5.12 of the Newton Zoning Ordinance, and having heard all of the evidence and arguments presented at the hearing, makes the following FINDINGS OF FACT and draws the following conclusions:

It is the Council's conclusion that the proposed Construction and Demolition Debris Landfill will promote the public health, safety and general welfare, if located where proposed and developed and operated according to the application. To support this conclusion, the Council determined that there is no evidence or testimony that this would not comply with this particular finding and the evidence and testimony presented would support this finding.

1. It is the Council's conclusion that the proposed Construction and Demolition Debris Landfill is a use which is listed as a special use in the district in which it is proposed to be located, will comply with all required regulations and standards, including the provisions of article V, VI and VII of the Zoning Ordinance. To support this conclusion, the Council determined that there was no evidence or testimony that this would not comply with the findings and the evidence and testimony presented would support these findings.
2. It is the Council's conclusion that the proposed Construction and Demolition Debris Landfill will maintain or enhance the value of contiguous property and that there is a need for a Construction and Demolition Debris Landfill in the community. To support this conclusion, the Council determined that there were no comments or evidence that there would be detrimental impacts due to the use or that the use would devalue property, and there was no evidence or testimony that it will not enhance or maintain the value.
3. It is the Council's conclusion that the proposed Construction and Demolition Debris Landfill is in compliance with the general plans for the physical development of the City as specified in the regulations. To support this conclusion, the Council determined that the Planning Commission made no findings or statements that this use would be contrary to the plan and with that factor in mind, the evidence and testimony presented would support these findings. The Planning Commission recommended unanimously that the special use permit be granted for the proposed Construction and Demolition Debris Landfill.

THEREFORE, based upon all of the foregoing, IT IS ORDERED that the Application for a Special Use Permit be granted subject to the following conditions:

- That the facility meets the regulations of the North Carolina Department of Environment and Natural Resources Division of Waste Management.
- That the applicant paves the remaining gravel portion of Boston Road from the existing pavement to the gate leading into the City Lake property.

Ordered this the 6th day of April, 2004.

Robert A. Mullinax, Mayor

ATTEST:

Rita K. Williams, City Clerk

ITEM 6 - OLD BUSINESS:

- Consideration of adoption of Resolutions for the formation of a Youth Council and Community Relations Council.

Mayor Mullinax stated that at the last meeting, information was given to the Council on formation of a Youth Council and Community Relations Council. He requested the Council adopt resolutions authorizing the initiation of the two Councils.

A motion was made by Council Member Johnson, seconded by Council Member Rowe, and unanimously adopted that to approve the following two resolutions:

Resolution #5-2004

RESOLUTION OF THE YOUTH COUNCIL
OF THE CITY OF NEWTON

WHEREAS, the City of Newton values its youth and supports the asset-building concept of positive youth development; and

WHEREAS, one way to build assets is to empower youth and give them an opportunity to be a resource; and

WHEREAS, both youth and the City would benefit by having a forum where young people could discuss and act upon issues important to them; and

WHEREAS, a Youth Council would provide a means for youth to connect with city government, have a voice in decision-making, and engage in a hands-on learning experience; and

WHEREAS, such a council is a unique partnership opportunity between the Newton-Conover City School System, youth and city government;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEWTON: that it affirms and supports establishing a Youth Council.

Adopted this the 6th day of April 2004.

Robert A. Mullinax, Mayor

ATTEST:

Rita K. Williams, City Clerk

RESOLUTION #6-2004

RESOLUTION OF THE
COMMUNITY RELATIONS COUNCIL
OF THE CITY OF NEWTON

WHEREAS, the City of Newton values its citizens and supports those who provide voluntary talents and service to the City, and,

WHEREAS, the City of Newton encourages the development of a united mechanism between factions experiencing differences, and a bridge between local officials and citizens; and

WHEREAS, both the citizens of Newton and the City would benefit by having a forum where citizens could discuss and act upon issues important to them; and

WHEREAS, a Community Relations Council would provide a means to support awareness programs, preventing and ending discrimination among people based on race, ethnicity, national origin, religion, age, disability or sexual orientation, and

WHEREAS, a Community Relations Council would encourage cooperative action between the city government and the citizens and to follow through on city/community involved programs; and

WHEREAS, such a council is a unique partnership opportunity between the citizens of Newton and city government;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEWTON: that it affirms and supports establishing a Community Relations Council.

Adopted this the 6th day of April 2004.

Robert A. Mullinax, Mayor

ATTEST:

Rita K. Williams, City Clerk

B. Consideration of budget amendments for previously approved projects.

City Manager Burchins reported that bids will be opened for the East Newton Gym renovations on April 8th. He recommended a Capital Project Ordinance (Item B.1) be adopted for the renovation. He requested Item B.2 be removed until the next meeting and that Item B.3 be approved to establish a Capital Project Ordinance for the equipment wash facility at Public Works.

B.1 Provide funding for E. Newton gym floor refurbishing.

A motion was made by Council Member Gaither, seconded by Council Member Johnson, and unanimously adopted to establish a Capital Project Ordinance for renovations to the East Newton gym.

ORDINANCE #2004.21 ATTACHED

B.2 Capital Projects Ordinance - Jacob's Fork Park. (ITEM REMOVED)

B.3 Capital Projects Ordinance - wash down facilities for Public Works.

A motion was made by Council Member Rowe, seconded by Council Member Johnson, and unanimously adopted to establish a Capital Project Ordinance for the wash down facilities for Public Works.

ORDINANCE #2004.22 ATTACHED

ITEM 7 - NEW BUSINESS:

A. Consideration of bid award and adoption of budget ordinance for the cemetery project.

Assistant City Manager Pattishall reported that bids were opened on March 23rd for the clearing and grading, storm drainage, street and sidewalk, water line, fine grading and seeding for a portion of the nine acre tract of land to be used for the City's new cemetery. He said Bell Construction was the low bidder with a bid of \$375,749.00 for construction of Phase I of the project and he recommended the bid be accepted. He stated item #2 on the bid tabulation was an alternate entranceway to be brick pavers. He said the budget will not allow the installation of brick pavers and that this item was not recommended by the staff.

Mr. Pattishall stated that the installation of lighting within the cemetery was an item that was not bid as part of the contract. He said Assistant Public Works and Utilities Director Doug Wesson provided a cost estimate totaling \$40,480.24 to install underground primary, transformers, and decorative street lighting within the cemetery for Phase I and that if this is approved by the Council that a budget amendment would need to be adopted.

The Council discussed the matter and afterwards, a motion was made by Council Member Dixon, seconded by Council Member Gaither, and unanimously adopted to table the lighting issue.

A motion was made by Council Member Johnson, seconded by Council Member Stedman, and unanimously adopted to accept the bid of Bell Construction for Phase I of the cemetery project.

Council Member Rowe suggested that since the lighting matter has been tabled that thought be given to placing a gate at the entrance to the cemetery.

ITEM 8 - CITY MANAGER'S REPORT:

A. Budget calendar.

City Manager Burchins presented the draft budget calendar and asked Council members to review it and advise the staff if they had any scheduling conflicts.

B. Water Study.

Mr. Burchins stated that the staff has presented the Council with copies of the Water Study and he requested they call him or Public Works Director Marty Wilson if they had any questions regarding the study.

C. Letters to load management customers.

Mr. Burchins stated that letters are being sent to the City's load management customers advising them that after May 1, 2004, the City will no longer off the Load Management discount that they received on their utility bills. He said this change is the result of the N. C. Municipal Power Agency #1 ending the program.

D. Legislative breakfast to be held at 7:30 AM on Thursday, April 29th at the Catawba Country Club.

Mr. Burchins reported that a breakfast meeting with legislative representatives will be held at 7:30 AM on Thursday, April 29th at the Catawba Country Club and he stated the staff will contact the Council to see if they plan to attend.

E. Discussion regrading quarterly financial reports.

Mr. Burchins reported quarterly financial reports will be given to the Council starting at the next meeting.

F. Smoke testing sewer lines.

Mr. Burchins reported that the City has contracted with W. K. Dickson & Company to conduct smoke testing of the sanitary sewer system to identify problems with the system. He said neighborhoods will be advised before work is done in their area as non-toxic and non-hazardous smoke may be noticed coming from vent pipes in houses or businesses, from storm drains, manholes, sanitary sewer manholes and possibly from the ground in the vicinity of broken pipes.

G. Traffic surveys for 6th, 7th and 9th Streets between Ashe Avenue and #321 B, Main, College and Brady Avenues between D Street and #321B Davis and Caldwell Avenues between E. 11th Street and NC 10/16 and W. 27th Street between Main Avenue and #321B.

Mr. Burchins stated that he and Mayor Mullinax met with residents from West 6th, 7th and 9th Streets recently about speeding on their streets. He said the Police Department is preparing to conduct surveys on the following streets to get accurate traffic information to determine traffic counts and vehicle speeds to help correct the speeding problem:

West 6th Street, West 7th Street and West 9th Street from Ashe Avenue to #321B
Caldwell and Davis Avenues between 11th Street and NC 10/16
West 27th Street between Main Avenue and #321B
S. Main Avenue, S. College Avenue and S. Brady Avenue from D Street to #321B

H. Update on East 11th Street/Caldwell Avenue project.

Mr. Burchins recommended, and the Council concurred, for the East 11th Street/Caldwell Avenue intersection improvements be delayed until summer when other road construction, resurfacing and sidewalk work is done.

I. Vegetation control.

Mr. Burchins reviewed a Vegetation Control Program which is being implemented by the Street Department staff to make the City more appealing to the citizens of Newton and people that travel through the City. He said the objectives of the program are:

1. Keep the City neat and clean in appearance.
2. Keep weeds and vegetation out of the curb and gutter lines for storm water management and neat in appearance.
3. Keep shoulders of the roadways inside the city limits of Newton to a maximum of no more than 6 inches.
4. Keep grass cut and sprayed around bridges and guard railing within the City limits.
5. Keep the grass banks within the City limits cut and free of sight distance obstructions.

J. Program on Air Quality issues.

Mr. Burchins stated that the Mayor, he, Assistant City Manager Pattishall attended a meeting on air quality issues. He stated that John Tippet will make a report to the Council on these matters at the May 4th Council meeting.

K. City to host WPCOG Policy Board meeting on May 25, 2004.

Mr. Burchins stated that the City will host the WPCOG Policy board meeting to

be held on May 25, 2004 with dinner starting at 6:30 PM and the meeting to be held at 7:00 PM. All Council members are invited to attend.

- L. Postponement of Z F Corporation economic development public hearings originally scheduled for April and April 21, 2004.

Mr. Burchins reported that the City does not have all the information it needs on the property site for the Z F economic development public hearings to be held and that they will have to be postponed until a date sometime in the future.

ITEM 9 - QUESTIONS FROM THE MAYOR AND COUNCIL. NONE

ITEM 10 - CLOSED SESSION TO DISCUSS PROPERTY ACQUISITION (GS143-318.11(a)(5)).

Mayor Mullinax stated the Council needed to have a Closed Session to discuss property acquisition.

A motion was made by Council Member Rowe, seconded by Council Member Dixon, and unanimously adopted that the Council go into Closed Session to discuss property acquisition.

After the Closed Session, Mayor Mullinax called the meeting back into session.

A motion was made by Council Member Dixon, seconded by Council Member Rowe, and unanimously adopted that the City offer \$100,000 for purchase of the old Post Office building. Council Members Dixon, Rowe, Johnson and Stedman voted for the motion. Council Members Gaither and Dellinger voted against it. The motion carried four to two.

ITEM 10 - RECESS MEETING UNTIL 6:00 PM ON APRIL 21, 2004 FOR WORK SESSION ON ELECTRICITIES - ART HUBERT.

Mayor Mullinax recessed the Council meeting until 6:00 PM on April 21, 2004 for a work session with Art Hubert on Electricities.

Respectfully submitted,

Robert A. Mullinax, Mayor

Rita K. Williams, City Clerk